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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of )  
Erich Bühler and Bernhard Engesser )  
Serial No.: 10/581,004 )  
Filed: May 25, 2006 )  
Title: Thread Control Device for a Textile Machine, )  
in Particular for a Shedding Device )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY TRANSLATION**

Sir:

Enclosed is the PCT Notification of Transmittal of Copies of Translation of the International Preliminary Report on Patentability dated August 3, 2006, pursuant to PCT Rule 72.2, along with the subject Translation of the International Preliminary Report on Patentability (Chapter I of the PCT).

Respectfully submitted,

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Date: August 22, 2006

GP:jf

Enclosures:

- PCT Notification
- Translation of International Preliminary Report on Patentability
- Return Postcard

**Certificate of Mailing Under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450** on: August 22, 2006

Signature

Jodie Frecker

Typed or printed name of person signing

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

SCHMAUDER & PARTNER AG  
Zwängiweg 7  
CH-8038 Zürich  
SUISSE

Schmauder & Partner AG  
Patent- und Markenanwälte VSP

11. Aug. 2006

Dankend erhalten  
Received with thanks

Date of mailing (day/month/year)

03 August 2006 (03.08.2006)

Applicant's or agent's file reference

P-7903 01

**IMPORTANT NOTIFICATION**

International application No.

PCT/CH2004/000669

International filing date (day/month/year)

05 November 2004 (05.11.2004)

Applicant

TEXTILMA AG et al

**1. Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

**2. Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Yolaine Cussac

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# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference P-7903 01	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/CH2004/000669	International filing date ( <i>day/month/year</i> ) 05 November 2004 (05.11.2004)	Priority date ( <i>day/month/year</i> ) 28 November 2003 (28.11.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant TEXTILMA AG		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	This REPORT consists of a total of 5 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Date of issuance of this report 27 July 2006 (27.07.2006)</td> </tr> <tr> <td style="padding: 5px;">           Authorized officer   <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Yolaine Cussac</div> </td> </tr> <tr> <td style="padding: 5px;">e-mail: pt11@wipo.int</td> </tr> </table>	Date of issuance of this report 27 July 2006 (27.07.2006)	Authorized officer  <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Yolaine Cussac</div>	e-mail: pt11@wipo.int
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e-mail: pt11@wipo.int				

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

**TRANSLATION**  
**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing **See form PCT/ISA/210**  
(day/month/year)

Applicant's or agent's file reference

**P-7903 01**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/CH2004/000669**

International filing date (day/month/year)

**05.11.2004**

Priority date (day/month/year)

**28.11.2003**

International Patent Classification (IPC) or both national classification and IPC

**D03C5/00, D03C13/00, D04B27/26**

Applicant

**TEXTILMA AG**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/CH2004/000669

Box No. I      Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language  
\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/CH2004/000669

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	<u>1-19</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1-19</u>	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	<u>1-19</u>	YES
	Claims	_____	NO

**2. Citations and explanations:**

This opinion makes reference to the following document:

D1: WO 97/08373 A (TEXTILMA AG; SPEICH FRANCISCO  
(CH)) 6 March 1997 (1997-03-06)

1 D1 is considered to be the closest prior art to the subject matter of claim 1. It discloses the preamble of claim 1.

The subject matter of claim 1 therefore differs from the known thread control apparatus in that the valve has a first valve seat, which is connected to the cylinder chamber, and a second valve seat, and a valve element, which is provided with at least one throttle point and is prestressed against the first valve seat by means of a spring in the basic position, can be moved between these valve seats, with the throttle point being ineffective and the valve element blocking communication with the compressed gas source when the valve element is in contact with the second valve seat.

2 The problem addressed by the present invention can therefore be considered that of providing a thread

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/CH2004/000669

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

control apparatus with simple control of the  
pneumatic drive of the thread control apparatus.

- 3 The proposed solution, to be precise in particular the design of the valve, is neither known from the available prior art nor suggested by this prior art.
- 4 The subject matter of claim 1 is therefore novel, PCT Article 33(2), and involves an inventive step within the meaning of PCT Article 33(3).
- 5 Claims 2-19 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.